

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**COUNCIL CHAMBERS**  
**WILLMAR MUNICIPAL UTILITIES BUILDING**  
**WILLMAR, MINNESOTA**

December 5, 2005  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and Administrative Assistant Audrey Peterson.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of November 21, Rice Hospital Board Minutes of November 16, Municipal Utilities Commission Minutes of November 28, Planning Commission Minutes of November 30, Building Inspection Report for November, Police Commission Minutes of November 1, 2005; and an application for Exempt Permit - Kandiyohi County Pheasants Forever. Council Member Reese seconded the motion, which carried.

At 7:03 p.m. Mayor Heitke opened the Truth-in-Taxation hearing. City Administrator Schmit presented details of the proposed budget which totaled \$18,842,470 with a levy to be set at \$2,335,677. There being no one present to speak for or against the proposed budget, Mayor Heitke closed the 7:11 p.m. and deferred action to the Finance Committee Report.

At 7:12 p.m. Mayor Heitke opened a hearing on a currency exchange license renewal for Darrell K. Sunvold, d.b.a. Quick Funds, Inc. City Administrator Schmit presented details of the application for the renewal of a currency exchange license and reviewed the applicable State Statute. There being no one to speak for or against the proposed license renewal, Mayor Heitke closed the hearing at 7:14 p.m.

Council Member Dokken offered a motion to approve the currency exchange license renewal for Darrell K. Sunvold, d.b.a. Quick Funds, Inc. Council Member Reese seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:15 p.m. Mayor Heitke opened a public hearing to consider the vacation of a portion of 4<sup>th</sup> Street Southeast. Planning and Development Services Director Peterson explained that the portion of 4<sup>th</sup> Street Southeast being petitioned for vacation has been realigned 150 feet to the east of Cash Wise. The Planning Commission has approved of the street vacation request with the condition of adding a utility easement. There being no one present to speak for or against the proposed street vacation, Mayor Heitke closed the hearing at 7:18 p.m.

Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

VACATING A PORTION OF A PUBLIC STREET

WHEREAS, the vacation of that portion of the dedicated street as described below was initiated by the City of said street:

That part of the NW ¼ of the NW ¼ of Section 23, Township 119, Range 35, described as follows: Commencing at the Southwest corner of the NW ¼ of said Section 23; thence on an assumed bearing of NORTH, along the West line of said Section 23; a distance of 1,320.00 feet; thence on a bearing of EAST, 473.00 feet; thence on a bearing of NORTH, 650.00 feet; thence on a bearing of EAST, 636.43 feet to the point of beginning of the tract herein described; thence continuing of the bearing of EAST, 104.57 feet; thence on a bearing of N 17°00'08" W, 445.33 feet; thence on a bearing of N 00°31'27" E, 242.65 feet to the North line of said Section 23; thence on a bearing of N 89°28'33" W, along last said line, 100.00 feet; thence on a bearing of S 0°31'27" W, 258.08 feet; thence on a bearing of S 17°00'08" E, 430.16 feet to the point of beginning.

WHEREAS, the proposed vacation has been approved by the Planning Commission of the City of Willmar; and

WHEREAS, published notice and mailed notice of the proposed vacation and the hearing thereon have been given as provided by Subdivision 6 of Section 9.01 of Article IX of the Willmar City Charter; and

WHEREAS, a hearing was duly held on the proposal to vacate that portion of said street on December 5, 2005; and

WHEREAS, the City Council of Willmar finds that it is in the best interests of the City of Willmar to vacate that portion of said street;

NOW, THEREFORE, BE IT RESOLVED, that the above described portion of dedicated street be, and hereby is, vacated.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be filed with the Kandiyohi County Recorder on or after December 12, 2005.

Dated this 5<sup>th</sup> day of December, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Mayor Heitke recognized Suzanne Napgetzek, President of the League of Women Voters, who had signed up to address the City Council during its scheduled Open Forum. Ms. Napgetzek encouraged the Council to examine carefully the consolidating of voting precincts and offered the League's assistance.

Mayor Heitke recognized two City employees retiring from public service. The Mayor

acknowledged Gaylord Lind, who worked with the Waste Water Treatment Plant for 28 years, and Bruce Chapin, who worked with the Police Department for 31 years; thanking them for their dedicated service and extending congratulations and best wishes in retirement.

The Finance Committee Report for November 28, 2005, was presented to the Mayor and Council by Council Member Anderson. There were six items for Council consideration.

Item No. 1 Housing and Redevelopment Authority Executive Director Dorothy Gaffaney and Board Members Mark Malam and Roger Klinghagen reviewed with the Committee the Agency's proposed July 1, 2005, through June 30, 2006, Fiscal Year Budget. The HRA was requesting a \$116,081 levy to support its General Administration Expenditures. Following discussion, Chairman Anderson thanked Ms. Gaffaney for her presentation and noted the levy would be considered at the Truth in Taxation hearing.

Item No. 2 Rice Memorial Hospital CEO Lawrence Massa and CFO Leroy Meyering appeared before the Committee to present information regarding the 2006 Hospital General Operating Budget. Mr. Massa reviewed the highlights of the proposed Budget noting current finances are behind budgeted projections. Factors contributing to the \$408,639 operating loss and negative cash flow include changes in Medicare, decrease in mobile and outreach services, decrease in use of Hospital radiation equipment, Rose Center, maintenance due to the new building, and demolition/ depreciation of old buildings. Mr. Massa explained that 40 percent of the budget is salary related and a payroll freeze that will be implemented. Following a discussion of budget and related Hospital issues, Chairman Anderson thanked Mr. Massa for his presentation and accepted the Rice Hospital report as information only.

Item No. 3 Mike Nitchals, General Manager of the Willmar Municipal Utilities, was present to review with the Committee the Utility's proposed 2006 Budget. Mr. Nitchals reviewed in detail proposed 2006 capital expenditures and discussed operating budgets and the capital improvement program. Following discussion, Chairman Anderson thanked Mr. Nitchals for his presentation and received the report for information only.

Item No. 4 Mayor Heitke provided to the Committee a general overview of the City's 2006 Budget. In his comments the Mayor talked about the City's tax capacity rate and how it compares to other Greater Minnesota cities; local government aid; Minnesota Municipal Utilities Association finance program; and the \$1.5 million expected to be collected with Local Option Sales Tax. Mayor Heitke offered congratulations to staff for working behind the scenes with the recent \$125,000 donation from Jennie-O Turkey Store to the School District for soccer field improvement. The Mayor then reviewed the budget process which included presenting the proposed budget in September to the Finance Committee and the Committee studying various aspects of the Budget during the past two months. The 2006 proposed budget is set at \$18.8 million, which will result in an increase of the City's levy by \$80,000.

Mayor Heitke was recommending that the Finance Committee place the following items on future Committee agendas for consideration: City's contribution to the Fire Relief Association, evaluation of SonShine fee structure at Civic Center; Airport hangar fees, Cable Franchise fee; and 3 percent increase in Mayor and Council salaries.

The Mayor concluded his remarks by requesting consideration of two fulltime positions (Public Works Maintenance Worker and Police Officer) and a request from Pioneerland Library Director to increase the City's 5% increase to 12%.

Item No. 5 Chair Anderson reviewed with the Committee and Council Members the Mayor's proposed budget for 2006 including the Levy, Revenues and Expenditures by Departments, Capital Outlay, and Non-departmental Expenditures.

The Committee then discussed in detail the following:

1. Civic Center Arena and Aquatic Center currently operating at a 60% funding ratio. It was the consensus of the group to place this matter on a future Finance Committee agenda.
2. Closely monitor legislative action regarding cable franchise fees.
3. Purchase of new electronic voting machines and reconsideration of reducing 12 precincts into 4. There was a recommendation to rescind previous Council action consolidating 12 precincts into 4, which resulted in a tie vote. The matter will go to the full Council with no recommendation.

Council Member Dokken moved to rescind previous Council action reducing polling precincts from 12 to 4, and going back to 12. Council Member Swenson seconded the motion. The Council discussed at length the cost of voting equipment and issues regarding size of various wards. There was concern that longer distances to a polling site would result in lower voter turnout. The motion resulted in a roll call vote of Ayes 4, Noes 4 – Council Members Reese, Anderson, Gardner and Fagerlie voted “No.” Mayor Heitke cast the deciding affirmative vote.

4. Funding of increased fuel costs to the Police and Public Works Departments. The Committee was recommending the Council reallocate the Fire Department’s Duty Crew funds to Non-department for increased fuel costs.

Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Gardner seconding the motion, which carried.

5. The Committee discussed ways to reduce the City’s energy costs and requested the matter will be placed on a future Finance Committee agenda.
6. Consideration of Library’s request for an additional \$19,200 to build their cash flow reserve funds. It was the consensus of the Committee that this was a cash flow issue and could be handled by advance payments. The City’s contribution will remain at 5 percent.
7. Funding for two new positions – Public Works Maintenance Worker and Police Officer.

The Committee was recommending to the Council approval of the HRA 2006 levy request of \$116,081 and to set the City’s levy at \$2,335,677. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar, Kandiyohi County, Minnesota, that the following sums of money be levied for the current year collectable in 2006, upon the taxable property in said City of Willmar, for the following purposes:

General Fund	<u>\$ 2,335,677</u>
TOTAL:	\$ 2,335,677

BE IT RESOLVED, that there is a sufficient sum of money in the Debt Service Funds of the City, together with the above Debt Service Fund Tax Levy, to pay principal and interest in 2006 on

all outstanding bond issues, and the deferred annual tax levies previously certified to the County Auditor are hereby cancelled;

FURTHER, pursuant to a request by the Housing and Redevelopment Authority in and for the City of Willmar, for authorization to levy a special tax to be included as part of its fiscal year 2006 - 2007 Budget;

BE IT RESOLVED that the City Council of the City of Willmar, Minnesota, hereby authorizes the Housing and Redevelopment Authority to levy a special tax in the amount of \$116,081 pursuant to the powers vested under the Minnesota Statutes.

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Kandiyohi County, Minnesota.

Dated this 5<sup>th</sup> day of December, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

The Committee was recommending the Council adopt the Mayor's 2006 overall budget as presented. Following additional discussion of the proposed full-time Public Works Maintenance Worker, Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, and read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 1 – Council Member Dokken voted “No”.

### RESOLUTION NO. 3

#### ADOPTING THE BUDGET FOR THE FISCAL YEAR 2006

BE IT RESOLVED by the City Council of the City of Willmar that the Annual Budget for the fiscal year beginning January 1, 2006, which has been submitted by the Mayor and modified and approved by the City Council, is hereby adopted, the totals of the said budget and the Mayor's division thereof being as follows:

#### EXPENDITURE REQUIREMENTS

General Government	\$ 2,010,432
Public Safety	4,000,311
Public Works	2,777,451
Leisure Services	1,626,822
Capital Improvements	760,080
Other Operating	2,646,050
Waste Treatment	3,749,868
Debt Services	<u>1,271,456</u>
Total:	\$18,842,470

Dated this 5<sup>th</sup> day of December, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Item No. 6 The Committee considered a request from Staff to change the City's work week from Thursday through Wednesday to Sunday through Saturday, and was recommending to the Council that Staff be authorized to change the established work week as proposed. Council Member Anderson moved to approve the recommendation of the Finance Committee, with Council Member Fagerlie seconding the motion, which carried.

The Finance Committee Report for November 28, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Dokken, and carried.

The Community Development Committee Report for December 1, 2005, was presented to the Mayor and Council by Council Member DeBlieck. There were three items for Council consideration.

Item No. 1 The Committee discussed requests from several citizens to consider establishing a "quiet zone" to control railroad noise during evening hours. The matter was discussed at length relative to the City's authority to restrict railroad operations. It was acknowledged that although the train horns are a safety issue, the crossings in Willmar are nearly all protected by flashing lights and arms. It was suggested that the noise had become a quality of life issue due to the amount of train traffic in the yards.

It was the consensus of the Committee that the matter be discussed further at a future meeting, and that Staff invite a representative of the Burlington Northern Santa Fe Railroad to participate in the discussion as well as interested property owners. This matter was for information only.

Item No. 2 The Committee reviewed examples of lighting ordinances from other cities. This research was performed due to a concern that urban lighting was washing out the night sky. It was noted that none of the ordinances presented were any more restrictive than the lighting section in the Willmar Zoning Ordinance.

The Committee directed Staff to prepare a Zoning Ordinance amendment specifying down-lighting or directional lighting, and to bring the Ordinance amendment to a future Community Development Committee meeting for review and discussion. This matter was for information only.

Item No. 3 The Committee received updates on a variety of projects including the Airport, the three new banks under construction, the completion of the West Central Steel Office Building, and other miscellaneous projects in the community. For the month of November, over \$10 million in construction valuation had been permitted. At the end of November, the year total exceeded \$46 million in new construction valuations. This matter was for information only.

The Community Development Committee Report for December 1, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Swenson, and carried.

The Mayor and Council were informed by City Administrator Schmit that the Willmar Blue Line Club has made application for a Premise Permit to the Gambling Control Board. It was noted the local unit of government is required to sign the premise permit and the Council vote on the application. Following discussion, Resolution No. 4 was introduced by Council Member Fagerlie,

seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

REQUESTING THAT THE MINNESOTA GAMBLING  
CONTROL BOARD APPROVE THE APPLICATION FOR A  
PREMISE PERMIT FOR THE WILLMAR BLUE LINE CLUB, INC

WHEREAS, the Willmar Blue Line Club, Inc. has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at Hi Tops Bar & Grill, 915 Highway 71 North, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the Willmar Blue Line Club and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the Willmar Blue Line Club.

Dated this 5<sup>th</sup> day of December, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

The Mayor and Council considered a preliminary plat for Emerald Ponds, a planned-unit development mix of single family and twin homes. Planning and Development Services Director Peterson presented details of the plat which consists of 46 lots with public roads and one private road. The property was rezoned from Ag to R-2 for owner occupied and rental property. The Planning Commission approved the plat and conditional use permit with several conditions such as Ag deferments and utility easement to be added to the final plat. Council Member Reese moved to approve the preliminary plat for Emerald Ponds with Council Member Christianson seconding the motion, which carried.

The Mayor and Council considered a preliminary plat for Hidden Valley Estates, a 41-lot plat south of Valley Brook Estates. Planning and Development Services Director Peterson presented details of the plat which was rezoned from Ag to R-1 for single-family home development. The Planning Commission has approved the plat with conditions for reapportioning the deferred assessments and adding utility easement to the final plat. Council Member Anderson moved to approve the preliminary plat for Hidden Valley Estates with Council Member Dokken seconding the motion, which carried.

Planning and Development Services Director Peterson informed the Mayor and Council that Jerry Gesch of Gesch Properties LLC has requested assessments against their Willmar Avenue and 5<sup>th</sup> Street Southeast property be reapportioned to reflect the plat of Gesch Acres. Following discussion, Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

WHEREAS, a request for reapportionment of special assessments has been filed with the City of Willmar, said request being signed by all the parties having an interest in the following-described property:

Lot 1, Block 1; Lot 1 and Lot 2, Block 2, all of Gesch Acres.

Parcel No. 95-923-8630

to wit: Gesch Properties, LLC

WHEREAS, the above have waived notice of hearing on said reapportionment; and

WHEREAS, The City Council of the City of Willmar is in agreement that the special assessments totaling \$321,735.73 placed against the above-described parcel be hereby reapportioned as herein described:

<u>Parcel No.</u>	<u>Legal Description</u>	<u>Amount</u>
	Lot 1, Block 1, Gesch Acres	\$221,586.68
	Lot 1, Block 2, Gesch Acres	\$84,255.63
	Lot 2, Block 2, Gesch Acres	\$15,893.42

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willmar, pursuant to the request of the above that the special assessments on the above-described property be and they hereby are reapportioned as provided in the request of the above named, and BE IT FURTHER RESOLVED that the reapportionment be recorded in the records of the City of Willmar and the Kandiyohi County Auditor effective for taxes and assessments due and payable on tax statements issued in the year 2007 and thereafter.

Dated this 5<sup>th</sup> day of December, 2005.

/s/ Lester Heitke  
MAYOR

/s/ Michael Schmit  
Attest: CITY ADMINISTRATOR

Planning and Development Services Director Peterson informed the Mayor and Council that J & C Enterprises of Central Minnesota proposes the rezoning of property south of Valley Brook Estates and west of Vos Park, from A to R-1 for the purpose of residential development. The Planning Commission has approved the request. Following discussion, Council Member Reese offered a motion to introduce an Ordinance to Rezone Certain Lands from A to R-1 and schedule a public hearing for December 19, 2005. Council Member Christianson seconded the motion, which carried.

Planning and Development Services Director Peterson informed the Mayor and Council that Koosman Construction proposes the rezoning of property south of Welshire Addition and east of the YMCA from A to R-2 for the purpose of residential development. The Planning Commission has approved the request. Following discussion, Council Member Reese offered a motion to introduce an Ordinance to Rezone Certain Lands from A to R-1 and schedule a public hearing for December 19, 2005. Council Member Christianson seconded the motion, which carried.

City Administrator Schmit informed the Mayor and Council that it will be necessary to



reschedule the January, 2006, City Council meetings due to the New Years and Martin L. King Day holidays. Following discussion, Council Member Christianson moved to hold the Council meetings on Monday, January 9 and 23, 2005. Council Member Gardner seconded the motion, which carried. Council Member Fagerlie requested to be excused from the January 9, 2006, Council meeting.

Mayor Heitke informed the Council that Deb Solsrud has resigned from the Municipal Utilities Commission and was recommending Michael Burgett be appointed to serve on the Commission. Council Member Dokken moved to approve the appointment as presented with Council Member Gardner seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, December 12; and Public Works/Safety, December 13, 2005.

There being no further business to come before the Council, the meeting adjourned at 8:48 p.m. upon motion by Council Member DeBlieck, seconded by Council Member Christianson, and carried.

Attest:

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MAYOR

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ACTING SECRETARY TO THE COUNCIL